



# **Arab Center for the Development of the Rule of Law and Integrity-ACRLI**

## **Project of “Promotion of the Rule of Law and Integrity in the Arab World”**

### **Comment on the Regional Report On the Status of the Media In Lebanon, Jordan, Egypt and Morocco**

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The regional report was both complete and incomprehensive: complete, for accurately depicting the general media scene through several pictures, objectively summarizing four reports on the status of the media in Lebanon, Jordan, Morocco, Egypt, and showing the common points and differences among the said situations; incomprehensive for being limited by the material mentioned in the report and the reading thereof through “a summarizing, descriptive, and comparative method”, although it did not lack close examination behind the reading to shed light on what is between the lines, what is fixed and what is variable in the situation. The reports were made according to high professional standards, combining historical narration of the emergence of the media and the change of the media regulating laws and the current presumed role of the media and the exercise by the branches of government of what goes beyond their presumed role. The reports presented a diagnosis at times and gave a prescription at other times, through necessary propositions to lift restrictions on the media, in such manner as to guarantee its freedom and allow members of the media to achieve the required level of independence, integrity and efficiency at work.

The distance seems long between reality and hope. Reality, according to the report, is the restrictions and pressure on the media: from obtaining a license to issue a publication, establishing a television or radio station, media employment, down to practicing the profession.

We note the pressure put by the famous “couple”: money and politics, and restrictions, not only those put by authorities alone, whether legal or illegal, but also those of society, traditions, religion and extremist currents.

The starting point is known: The media freedoms depend upon the amount of political democratic freedoms and the cultural and intellectual vitality of society. The media are neither a “tribe” existing independently of the political and social reality nor a “factory” of news and ideas, but a mirror that reflects the flow of news and ideas through society. The media also play the role of a “lighthouse”. Members of the media are neither a “single party” nor a “single bunch”. They do not share the same understanding of the practice of freedom, or even the same knowledge of the laws.

The present comment is divided into three parts and is limited to the requirements specified in the entrustment letter:

- 1- Analysis of the regional report in the light of the global trend in reform policies.
- 2- Specification of gaps and provision of additions.



- 3- Assessment of the report with a comprehensive perspective of the status of the media in the Arab World.



## **Analysis of the Regional Report in the Light of the Global Trend in Reform Policies**

At the beginning, there was a difference between the global trend of reform policies and the narrow Arab door for reform policies. The global trend is based on a comprehensive understanding and universal human values: freedoms, democracy, market economy, liberalism, human rights of the different types thereof, human elite, type of education, empowerment of women and other matters. The narrow Arab door sign reads “Privacy”, not implying the meaning of enrichment of plurality and local flavor but the meaning of raising the argument that concepts are not comprehensive and values are not universal. The aim is to limit reform policies and stimulate them where necessary, according to the system of government and its foreign relations and to preserve the said system domestically. Even the commitment to the Universal Declaration of Human Rights and the Arab Charter on Human Rights, as provided for in constitutions, is theoretical. Several Arab regimes even consider the defense of human rights by civil society as a service to foreign policies and goals, and bring human rights activists to trial.

A note between parentheses: The global trend of reform policies does not include any media reform attempt. The media reforms itself by practicing freedom, accompanying development and looking at ways to provide a better service to the public. In the Arab World, talk about a media reform policy is talk about the rearrangement of restrictions, and at best, about a sector that has not reached the age of majority and still needs to be cared for.

The choice of four countries open to media reforms, although having different systems of government is not accidental. Lebanon is historically distinguished by its democratic heritage of political and media freedoms. Jordan and Morocco are included by the United Nations and the reports of ministries of foreign affairs and non-governmental organizations in the list of countries that have achieved progress in political, economic and media reform. Egypt was, throughout the past years, exhorted by the United States to “lead the Arab World toward democracy after undertaking leadership in peace”. The four models include all types of written and audio-visual media: official, partisan and private. All that allowed the reports to monitor the reform steps and shed light on the remaining obstacles and restrictions.

The general impression, except for what relates to Lebanon where the written and audiovisual media is privately owned, may be summarized in four points: First, the development toward more freedom is slow, sometimes taking one step forward and two steps backward. Second, political freedoms, at least with regard to parties, seem greater than media freedoms. Third, there is a large difference between the status of the media and media members and the reform proposals. The general



situation is governed by legal restrictions, political domination, material difficulties and advertising sources. The presented proposals need constitutional and political revolutions more powerful than the capability of the opposition parties. They will also be difficult to implement by authorities that will not abandon their arms and political, security and media playing cards in the absence of strong pressure. Fourth, civil society is entitled to knowledge and the practice of democracy seems not powerful enough to impose full media liberalization and to protect members of the media from the government, as well as the extremist currents that impose “taboos” to an extent larger than that of the “taboos” guarded by the different systems of government, and they are many and difficult to enumerate in this report.

Some of the details are as follows:

- 1- A maximum limit of “independence, integrity and efficiency are required from members of the media under very difficult circumstances: Low salaries with the privately-owned media and a lot of enticements. Media members are mere employees appointed by the government to official media posts. The hiring and promotion choices are “customized”. The capability or wish of media institutions for “training” is limited.
- 2- The role of the media in fighting corruption is very limited if not neutralized: first, because of corruption inside the media institutions themselves, according to corruption in government. Second, because uncovering state corruption is almost “taboo” and devoting time therefor, according to the experiments presented in the report, leads to being brought to trial and facing imprisonment and fines, as well as to dismissal from posts and bodily harm. Any publication of a real corruption scandal will even lead a media host or journalist to court, where he should prove the validity of his story, without being able to access the documents. Furthermore, both the corrupt and the corrupter can sue a media member for slander and libel.
- 3- The general equation is: More laws, less freedoms. The more media-related laws are promulgated, the narrower the space for freedom of the media is. In Jordan, 24 media-related laws have been promulgated. In Egypt, the number is 186, with an average of one article every 13 months.

The result is that the amendment of laws leads to either of two things: More severe restrictions or easing of restrictions with harsher penalties.

- 4- There are no “inseparable tracks” among the three freedoms: freedom of opinion, freedom of speech and freedom of change. The first cannot be restrained. The second is hindered or limited by controls and red lines, with the following equation: you have the freedom of speech but should pay the



price by being imprisoned, fined or assassinated. The third is totally prohibited, not only for the media but for society and its political parties as well. Even in Lebanon, the vastest space for freedoms, the equation is that the government tells the media members: You say part of what you want to say and we do all that we want to do.

- 5- The invitation to members of the media to rely more on advanced technology is not a guarantee of quality when political and media freedoms are shackled. A prominent journalist, Carl Bernstein, who, along with Bob Woodward, broke the story of the Watergate scandal and helped bring about the resignation of President Nixon, is an example of the aforesaid. Bernstein revealed a painful truth after moving from the Washington Post to television saying: “We have the best communication mediums but cannot use them at full capacity to narrate our stories.”
- 6- The media are required to reveal facts while being unable to access the sources of the facts by legal means. The laws which, in democratic countries, give the right to free access to information and documents are rare in the Arab World. The laws exist in one or two of the countries covered by the reports but are not applied. There is no such law in Lebanon. Even the deliberations of the Council of Ministers are considered “secret” and publication thereof is prohibited under the penalty of punishment. A journalist was tried once for publishing the “secret resolutions” of an Arab summit in Rabat. The immunity of the deputy exempted from accountability for anything he says does not apply to the medium that publishes his statements. The material published by the media relies on what is called “leakage” carried out by presidents, ministers and employees for objectives relating to their conflicts not to the public’s right to knowledge.



## Gaps and Failures

The main gap in the regional report was, of course, incomprehensiveness. The said gap could not be filled because of the commitment to the material mentioned in the four reports. The absent element was the presumed space allocated by the specialized media to economy, literature, arts, thought and technology. The quasi absent element was the focus on five matters concerning the content provided by the media. However, there were allusions to the said matters.

The first is the diving of the media into politics, which divides the media into two types: The first is political more than necessary in the narrow sense of politics, i.e. the struggle over or with power or the defense thereof, instead of the true meaning of politics, that is the art of administration of the affairs of people and bringing public good to society, and below the political standard, meaning sinking in the defamation and provocation campaign. The statement in the report that “the strength gained by the opposition promoted the critical and censorious content” is true. However, the fact that opposition newspapers defending the right conceal a lot of facts and distort some of them as regimes do is also true. There is no complete truth when it comes to technology. Some regard technology as the enemy of the truth.

The second is the lack of specialized strategic studies, the tendency to level things even in independent newspapers and to link almost everything to what is called the “conspiracy theory”.

The third is the extent of validity of the information, even if in a climate of freedom. In the official and partisan media, even the privately owned media, contains a lot of false information and news that is not investigated by the said media, called “the intersection of resources”, and sometimes information that is “fabricated” by officials or media members close to them.

The fourth is repetition. There is a saying that goes: “Give me the newspaper of tomorrow and I will make you a millionaire”. In the Arab World, the newspaper of tomorrow is the newspaper of yesterday and the day before yesterday and sometimes that of a year ago: repeated statements and comments. If a newspaper is, according to the latest definition, “what lives in a narrow pit between what has not been determined yet and what has become a thing of the past”, the Arab newspaper lives on what is totally determined.

The fifth is the full assessment of the extent to which the Arab media is playing the three main roles of the media, to be learned by students at any faculty of media studies. The first role is to report what is happening, how, where and why. The



second is to act as a forum for discussion and dialogue. The third is to exercise control over the government and hold it accountable in its capacity as the power of the people. It is not easy to determine exactly what happened through the Arab media, for stories vary according to liking, interest and pressure. The dialogue and discussion forum turns into a conflict and debates forum. The control over the government is, with major and serious exceptions, either inexistent or hidden and relates to marginal matters. The element that is quasi absent in the mass media in the four countries but is strongly present in the global media is: the document investigation that unveils the case and follows it up to the end.

The report rightfully noted that the constitutions do not include any provision for considering the media as a “branch of government”, although everyone calls the media the “fourth branch of government”. Mohammed Al-Baalbaki, President of the Lebanese Union of Journalists, even calls the media “one of the branches of government”, on the ground that it replaces any of the three branches of government, the legislative, the executive and the judiciary, in the event of its absence.

Al-Baalbaki sheds light on the problem of censorship and the subject of the complaint of the media members about restricting the practice of journalism to the members of the unions, in addition to the high number of practicing journalists that are not members of the unions and are sometimes accused of “passing themselves off as journalists”, which opens two gaps:

The first is the difficulty of reaching a final solution to the issue of membership of the unions. It is neither acceptable to allow free practice of journalism without the journalist having qualifications for membership of the Union, nor reasonable to act as if journalism was similar to the medical, legal and engineering professions, for journalism is in constant need for competent journalists from outside.

The second is, following distinction between pre-censorship and post-censorship practiced by the official authorities, the distinction between two forms of self-censorship: the first type is harmful because the obsession of the editor-in-chief is fear of punishment, in such manner that he deletes what the public should be acquainted with. The second is necessary because it is based on accuracy, objectivity and concern with publishing correct material.

The possible addition relates to the main issue, i.e. the rule of law. There is a large difference between the “rule of law” and the “rule by law”. Some constitutional jurists object to the phrase “a state governed by the rule of law” and prefer the phrase “a state governed by the rule of right”. Hitler ruled by law, so did Stalin. Even the “rule of Karakosh” could be described as having something of the “law”, even if it was worse than the “rule of the jungle”. We are still in the phase of the rule by law and have not yet reached the phase of rule of law.



The reports contain a comprehensive register of the problem of the media with strict and harsh laws. The application of the laws by a judge who is either politicized or having no power of free choice increases such unfairness. What is worse than applying a bad law is the failure to apply good articles in certain laws. The most recent example can be found in Lebanon in the last political crisis, when the audiovisual media violated the articles relating to refraining from any sectarian and confessional agitation and provocation and anything that could shake the stability of Lebanon. The National Audiovisual Council and other bodies were unable to do anything to stop such provocation by the satellite channels of Al Manar and Future TV.



## **Assessment of the report with a comprehensive viewpoint of the status of the media in the Arab World**

Amartya Sen, Nobel Prize winner in economics says “Development as Freedom”, but the Arab regimes are trying to complete an impossible task: development without freedom, economic openness without political openness. It would not be an exaggeration to say that the Arab media are a prisoner whose mission is to liberate society. The media are still struggling to achieve justice in the practice of freedom, whereas the developed world is in the race for finding the best ways to practice freedom. The media are no longer an “occupation” or a “mission” as in the beginning but have become an integrated “industry” that requires huge capitals, and is therefore subject to additional pressure after the traditional pressure. According to the last report published by Reporters Without Borders, Lebanon ranked 107<sup>th</sup> out of 168 countries covered by the report.

The highest rank occupied by an Arab country was that of Kuwait, followed by Mauritania and the United Arab Emirates. The Kingdom of Saudi Arabia ranked 161<sup>st</sup>.

Even outside the subject of freedom and the rule of law and integrity, the Arab media are still undecided about three attributes: they are local, but do not meet the standards of the local press in the American and European cities and towns; they are Arab, but cover crises more than natural situations in the Arab World; they are global, but with a lower amount of correspondents around the world and a higher amount of reliance on global news agencies. The question is: What would any faculty of media studies at any Arab university find if it repeated the experiment carried out by the faculty of media studies at one of the universities of New York? There, at the university concerned, a team formed by the faculty searched for the main 100 journalism works during the 20<sup>th</sup> century. The team found that they were the works that contributed to acquainting Americans with their country. In fact, it is difficult to properly acquaint the world with the Arab countries through the media.

When newspapers complain about limited circulation, as in Lebanon and Morocco, they should look for the deep causes, among which the inability of the press to provide attractive material to the new generation and even the old generation. It is hard to run away from a difficult situation, namely that of the Arab Thought which is going through an ordeal beyond the domination of “*Takfir*” (the claim that the society has deviated from the teachings of Islam) over “Thought”. Centers for studies are useless without complete freedom. Nothing reveals the depth of the ordeal more than the fact that the Arab World has regressed in the field of research in religion compared to the status of such research 100 years ago. We no longer live



in the days of Ali Abdul Razzak and Taha Hussain, but in the days of the harsh criticism leveled by the media at the Egyptian Minister of Culture for giving an opinion on the issue of women wearing the veil. What controls the present and the future is not the near past but the remote past.

As a matter of fact, the mass media of the three types are suffering. The official media are not media as much as a tool for spreading ignorance. The partisan media is propaganda media. The privately-owned media is not totally independent and is not influenced by the factors affecting the official media and the partisan media. The media conditions have not changed much in the countries that dissolved the ministries of information, a distinguishing feature of totalitarian regimes, and replaced them with several councils. Even revolutions and fortunes did not succeed in creating the necessary development in society.

The paradox is that we live in the era of globalization. Nevertheless, we still talk about resisting “the cultural invasion” amid acceptance of the economic and financial flow. We wish to create the “society of knowledge”, whereas the emergency laws prohibit the carrying out of opinion polls without official license.

Moreover, the world talks about “the death of the old press” and about adaptation to the modern media, whereas we are fighting to revive the old media through freedom, and are putting obstacles in certain countries in the way of persons wishing to communicate and express themselves via electronic mail and the Internet. The boldness of expressing one’s opinion through the Internet makes the person concerned liable to penalty, as if he has published the material in the newspapers of his country.

Churchill said: “When truth is so precious, it must be attended by a bodyguard of lies”, but the role of the media should make a hole in the wall of lies to reveal the precious truth to the public. Hobbes said: “Words are the money of fools”. Therefore, the destiny of free and courageous members of the media is to be the pioneers of liberalization of society through the practice of freedom, even if they are called the fools of the Arab World.